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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,359	12/30/2003	Ioan Sauciuc	42P18283	1189
8791	7590	08/24/2007		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			EXAMINER	
1279 OAKMEAD PARKWAY			WEINSTEIN, LEONARD J	
SUNNYVALE, CA 94085-4040			ART UNIT	PAPER NUMBER
			3746	
			MAIL DATE	DELIVERY MODE
			08/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/749,359	SAUCIUC ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Leonard J. Weinstein	3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 June 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6,7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-5,8 and 13-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6,7 and 9-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

1. This office action is in response to election of June 7, 2007. Further this action provides a response to the amendment of March 12, 2007 with regards to the arguments corresponding the claims elected in applicant's response to the office action of May 25, 2007. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.
2. Examiner acknowledges applicant's election of Group II, species II-2 and claims 6, 7, and 9-12. Claims 1-5, 8 and 24 are withdrawn from consideration.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chu et al. 6,490,874. Chu teaches all the limitations as claimed for a including: method, comprising: determining a presence of a threshold amount of a fluid that is within a pump, elements 103, 104, and 106, (col. 8 ll. 43-48) and condensing vapor (col. 8 ll. 65-67) as it is present in the pump, elements 103, 104, and 106; the step of determining a presence of fluid includes checking a sensor coupled to the pump, elements 103, 104, and 106 (col. 8 ll. 45-47); the step of condensing comprises cooling vapor within a liquid pump, elements 103, 104, and 106, to a condensation point, by a thermoelectric cooler 161 (col. 8 ll. 54-67); the method provided with the step of repeating a step of determining and condensing until there is no longer a threshold amount the fluid in the pump, elements 103, 104, and 106 (col. 9 ll. 1-3); the step of applying

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power to the pump, elements 103, 104, and 106, after a determining and condensing steps have been completed (col. 8 ll. 54); the method further comprising the step of applying power to a heat source, element 161 is powered to transferred heat to element 165, coupled to the pump, elements 103, 104, and 106.

***Response to Arguments***

3. Applicant's arguments presented in the amendment of March 12, 2007 as they apply to claims 6, 7, and 9-12 as elected in the response of June 7, 2007 have been considered but are moot in view of the new ground(s) of rejection.

4. Upon review of the office action of May 25, 2007 the examiner notes that an error was made with regards to listing of claims for invention I. Claims 1-5 and 23 are drawn to an apparatus using a thermoelectric module, whereas the office action lists claims 1-6, and 23. This is merely stated as matter of record and does not change the restriction of May 25, 2007 as claims 1-5 are drawn to an apparatus and claim 6 is drawn to a method.

5. Further it is noted by the examiner that applicant has chosen not to elect species III-1 drawn to an apparatus directed toward a system wherein a pump is located above a lowest gravitational point. As stated by the examiner in the office action of May 25, 2007 III-1 corresponds to species II-2, drawn to a method of operation elected by the applicant in the election of June 7, 2007.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of

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the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited on form 892 herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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